

COUNTY OF YORK

MEMORANDUM

DATE: September 1, 2000 (BOS Mtg. 9/19/00)

TO: York County Board of Supervisors

FROM: Daniel M. Stuck, County Administrator

SUBJECT: Suggested Amendment of County Code § 16-7 to Allow Discharge of Firearms on Certain Property

Attached is a memorandum from James Barnett, County Attorney, together with a draft of an amendment to County Code § 16-7. As Mr. Barnett explains in his accompanying memorandum, he brought this matter to you for your consideration as a result of the adoption by the 2000 General Assembly of HB 521. That legislation indicates that any local government which has adopted an ordinance prohibiting the discharge of firearms in highly populated areas pursuant to Virginia Code § 15.2-1209 must provide an exception to allow hunting pursuant to a Department of Game and Inland Fisheries kill permit on land which is "zoned for agricultural use."

This matter was first considered by the Board at the June 20, 2000, regular meeting. The text of the proposed amendment has been modified in response to comments from Board members at that time. However, the County Attorney also indicates that the application of HB 521 to York County is not entirely sure because although there are four zoning classifications in the County which allow agricultural uses as a matter of right, it is not certain that any of those zones are "agricultural zones" given that the majority of uses permitted in those zones are nonagricultural. Moreover, much of the land within the RR, RC, IL, and IG zones which would be effected by the amendment to County Code § 16-7 are utilized for nonagricultural purposes, and those which are either farmed or vacant are uncomfortably close to subdivisions and other populated areas.

It is my recommendation, based on the County Attorney's analysis of the ambiguities of HB 521, that the Board take the position that there is no land in the County "zoned for agricultural use" within the intention of HB 521, which appears to be to allow farmers to protect their crops. Because of the safety issues which would be raised if the discharge of shotguns were to be allowed within areas where the discharge of firearms is otherwise prohibited, it is my recommendation that the Board decline to adopt any modification to the County Code.

Barnett/3340:mrc

Attachments:

- Memorandum from County Attorney

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- Ordinance No. 00-08(R)